

## REMARKS

The applicants have studied the Office Action dated September 28, 2005, and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 5, 6, and 33 have been amended; thus, claims 2-6, 9-16, and 32-40 are pending. Consideration and allowance of all the pending claims in view of the above amendments and following remarks are respectfully requested.

Claims 2-6, 9-16, and 32-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Claude or Samiotes or Lindsey in view of Das et al. This rejection is respectfully traversed.

Embodiments of the present invention are directed to an external infusion device for infusing a fluid into a body of a user. The infusion device includes a housing that has an opening. The infusion device also includes a reservoir in the housing that contains the fluid, a drive system that forces the fluid from the reservoir, at least one power supply that provides power to actuate the drive system, and one or more electrical elements coupled to the power supply and the drive system that regulate the rate at which the drive system forces the fluid from the reservoir. The infusion device further includes a tab that is insertable into the opening in the housing, and contains at least one of the one or more electrical elements.

Claim 5 is directed to an external infusion device including a housing with an opening and "a tab that is insertable into the opening in the housing, wherein the tab contains at least one of the one or more electrical elements, and wherein the tab includes a seal to improve resistance to water or contaminants entering the housing." Claim 6 recites an external infusion device including a housing that has an opening and "a tab that is insertable into the opening in the housing, wherein the tab contains at least one of the one or more electrical elements, and wherein the housing includes a seal that is in contact with the tab to improve resistance to water or contaminants entering the housing." The cited references in combination fail to disclose, teach, or suggest an external infusion device including a tab that is insertable into an opening in the

housing and contains at least one electrical element, and in which either the tab includes a seal, or the housing includes a seal that is in contact with a tab, to improve resistance to water or contaminants entering the housing, as recited in claims 5 and claim 6, respectively. Therefore, it is respectfully submitted that claims 5 and 6, as well as claims 2-4, 9-16, 32, and 34-40 depending from claim 5, are not rendered obvious by the cited references.

In the Office Action, the Examiner noted that the Claude, Samiotes, and Lindsey references do not explicitly disclose that the tab includes a seal to improve resistance to water or contaminants entering the housing, or a tab containing a power supply. It is respectfully submitted that the Das et al. reference does not make up for the deficiencies in the Claude, Samiotes, and Lindsey references.

The Das et al. reference is directed to a piston-type infusion pump for delivering medication to a patient. Referring to Figs. 1, 2, 3, and 7, the infusion pump includes a pump casing 7 that supports a pump door 36 and a pump door latch 48. In Figs. 2 and 3, the pump door 36 is opened to expose the interior of the infusion pump, including a battery door 40. As shown in Figs. 1 and 7, the battery door 40 is removed to replace power cells 70. The battery door 40 is then snapped into place and includes a seal to maintain the watertight properties of the pump casing 7. In the Office Action, the Examiner asserted that the Das et al. reference discloses a tab containing a power supply. However, the applicants respectfully point out that the power cells 70 are separate structures from the battery door 40, and the battery door 40 is opened and closed to access a battery compartment for holding the power cells 70. Additionally, the battery door 40 and power cells 70 are components internally contained within the pump casing 7, and are not part of any tab that is insertable into any opening in the housing. Thus, no tab including a power supply is disclosed in the Das et al. reference. Furthermore, referring to Figs. 6 and 7, the pump door latch 48 is mounted on a latch stem 62, which is held in the wall of the pump casing 7 by a rotary seal 54. However, neither the seal on the battery door 40 nor the rotary seal 54 are part of, or in contact with, any tab including at least one electrical element.

By contrast, in embodiments of the present invention, the external infusion device includes a housing with an opening, and a tab that is insertable into the opening in the housing and contains at least one electrical element. To further clarify the claimed invention, the applicants have amended claims 5 and 6 to recite that "the tab is insertable into the opening in the housing." Additionally, either the tab includes a seal, or the housing includes a seal that is in contact with the tab, to improve resistance to water or contaminants entering the housing. It is respectfully submitted that the cited references in combination fail to disclose, teach, or suggest such an external infusion device, as recited in claims 5 and claim 6, respectively, and thus, that claims 5 and 6, as well as claims 2-4, 9-16, 32, and 34-40 depending from claim 5, are not rendered obvious by the cited references. Accordingly, withdrawal of the rejection of these claims under 35 U.S.C. § 103(a) is respectfully requested.

Claim 33 is directed to an external infusion device that includes a housing, a reservoir that contains fluid, and a drive system that forces the fluid from the reservoir. The infusion device also includes at least one power supply that provides power to actuate the drive system, and one or more electrical elements that regulate the rate that the drive system forces fluid from the reservoir. The infusion device further includes a tab that is insertable into an opening in the housing, and contains at least one of the electrical elements and the drive system.

In the Office Action, the Examiner noted that the Claude, Samiotes, and Lindsey references do not explicitly disclose that the tab contains a power supply. Additionally, the Examiner asserted that the Das et al. reference discloses a tab containing a power supply. However, as discussed above, the applicants respectfully submit that the Das et al. reference does not disclose, teach, or suggest a tab that includes a power supply. As shown in Figs. 1, 2, 3, and 7 of the Das et al. reference, the power cells 70 are separate structures from the battery door 40, and the battery door 40 is opened and closed to access a battery compartment for holding the power cells 70. Additionally, the battery door 40 and power cells 70 are components internally contained within the pump casing 7, and are not part of any tab that is insertable into any opening in the housing. Again, to clarify the claimed invention, the applicants have amended claim 33 to recite that "the tab is insertable into the opening in the housing." Further, even if the Das et al.

reference taught that the tab may include a power supply such as the battery, claim 33 recites that the tab includes the drive system, which is a different claimed element than the at least one power supply. The Examiner has not cited any portion of the references that discloses, teaches, or suggests that the tab includes any portion of the drive system that forces fluid from the reservoir. Thus, it is respectfully submitted that claim 33 is not rendered obvious by the cited references. Accordingly, withdrawal of the rejection of this claim under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that the application and all the pending claims are in condition for allowance. Reconsideration and allowance of all the pending claims in the application are requested.

If, for any reason, the Examiner finds that the application is other than in condition for allowance and believes that a telephone interview would advance the prosecution of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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